

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 953**

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**Introduced by Assembly Member Eng**

February 26, 2009

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An act to amend Section 1808.22 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Eng. Department of Motor Vehicles: records: confidentiality.

Existing law requires the residence address in a record of the Department of Motor Vehicles to be kept confidential, with specified exceptions. One exception applies to a financial institution that states that it has obtained a written waiver signed by the individual whose address is requested. Another exception applies to an insurance company when the company requests the information for the purpose of obtaining the address of another motorist or vehicle owner involved in an accident with ~~its~~ *the company's* insured.

~~This bill would make technical, nonsubstantive changes to that law.~~

*This bill would expand these exceptions to include an employee or an authorized agent of a financial institution and an employee or an authorized agent of an insurance company.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 1808.22 of the Vehicle Code is amended*  
2     *to read:*

3     1808.22. (a) Section 1808.21 does not apply to a financial  
4     institution licensed by the state or federal government to do  
5     business in the State of California—~~which~~, *or to an employee or*  
6     *authorized agent of that financial institution, if the financial*  
7     *institution states under penalty of perjury that it has obtained a*  
8     *written waiver of Section 1808.21 signed by the individual whose*  
9     *address is requested, or to providing the address of*~~any~~ *a person*  
10    *who has entered into an agreement held by that institution prior*  
11    *to July 1, 1990, so long as that agreement remains in effect.*

12    (b) Section 1808.21 does not apply to an insurance company  
13    licensed to do business in California—~~when~~, *or to an employee or*  
14    *authorized agent of that insurance company, if the company, under*  
15    *penalty of perjury, requests the information for the purpose of*  
16    *obtaining the address of another motorist or vehicle owner involved*  
17    *in an accident with their insured, or requests the information on*  
18    *an individual who has signed a written waiver of Section 1808.21*  
19    *or the individuals insured under a policy if a named insured of that*  
20    *policy has signed a written waiver.*

21    (c) Section 1808.21 does not apply to an attorney—~~when~~ *if the*  
22    *attorney states, under penalty of perjury, that the motor vehicle or*  
23    *vessel registered owner or driver residential address information*  
24    *is necessary in order to represent his or her client in a criminal or*  
25    *civil action—*~~which~~ *that directly involves the use of the motor*  
26    *vehicle or vessel that is pending, is to be filed, or is being*  
27    *investigated. Information requested pursuant to this subdivision*  
28    *is subject to all of the following:*

29    (1) The attorney shall state that the criminal or civil action that  
30    is pending, is to be filed, or is being investigated relates directly  
31    to the use of that motor vehicle or vessel.

32    (2) The case number, if any, or the names of expected parties  
33    to the extent they are known to the attorney requesting the  
34    information, shall be listed on the request.

35    (3) A residence address obtained from the department shall not  
36    be used for any purpose other than in furtherance of the case cited  
37    or action to be filed or—~~which~~ *that* is being investigated.

1 (4) If ~~no~~ *an* action is *not* filed within a reasonable time, the  
2 residence address information shall be destroyed.

3 (5) ~~No~~ *An* attorney shall *not* request residence address  
4 information pursuant to this subdivision in order to sell the  
5 information to *any* a person.

6 (6) Within 10 days of receipt of a request, the department shall  
7 notify every individual whose residence address has been requested  
8 pursuant to this subdivision.

9 (d) A knowing violation of paragraph (1), (2), (3), (4), or (5) of  
10 subdivision (c) is a misdemeanor. A knowing violation of  
11 paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance  
12 of another crime is subject to the same penalties as that other crime.

13 (e) ~~This section shall become operative on January 1, 2007.~~

14 ~~SECTION 1. Section 1808.22 of the Vehicle Code is amended~~  
15 ~~to read:~~

16 ~~1808.22. (a) Section 1808.21 does not apply to a financial~~  
17 ~~institution licensed by the state or federal government to do~~  
18 ~~business in the State of California that states under penalty of~~  
19 ~~perjury that it has obtained a written waiver of Section 1808.21~~  
20 ~~signed by the individual whose address is requested, or to providing~~  
21 ~~the address of a person who has entered into an agreement held~~  
22 ~~by that institution prior to July 1, 1990, so long as that agreement~~  
23 ~~remains in effect.~~

24 ~~(b) Section 1808.21 does not apply to an insurance company~~  
25 ~~licensed to do business in California when the company, under~~  
26 ~~penalty of perjury, requests the information for the purpose of~~  
27 ~~obtaining the address of another motorist or vehicle owner involved~~  
28 ~~in an accident with their insured, or requests the information on~~  
29 ~~an individual who has signed a written waiver of Section 1808.21~~  
30 ~~or the individuals insured under a policy if a named insured of that~~  
31 ~~policy has signed a written waiver.~~

32 ~~(c) Section 1808.21 does not apply to an attorney when the~~  
33 ~~attorney states, under penalty of perjury, that the motor vehicle or~~  
34 ~~vessel registered owner or driver residential address information~~  
35 ~~is necessary in order to represent his or her client in a criminal or~~  
36 ~~civil action that directly involves the use of the motor vehicle or~~  
37 ~~vessel that is pending, is to be filed, or is being investigated.~~  
38 ~~Information requested pursuant to this subdivision is subject to all~~  
39 ~~of the following:~~

1     ~~(1) The attorney shall state that the criminal or civil action that~~  
2     ~~is pending, is to be filed, or is being investigated relates directly~~  
3     ~~to the use of that motor vehicle or vessel.~~

4     ~~(2) The case number, if any, or the names of expected parties~~  
5     ~~to the extent they are known to the attorney requesting the~~  
6     ~~information, shall be listed on the request.~~

7     ~~(3) A residence address obtained from the department shall not~~  
8     ~~be used for a purpose other than in furtherance of the case cited~~  
9     ~~or action to be filed or that is being investigated.~~

10    ~~(4) If an action is not filed within a reasonable time, the~~  
11    ~~residence address information shall be destroyed.~~

12    ~~(5) An attorney shall not request residence address information~~  
13    ~~pursuant to this subdivision in order to sell the information to a~~  
14    ~~person.~~

15    ~~(6) Within 10 days of receipt of a request, the department shall~~  
16    ~~notify every individual whose residence address has been requested~~  
17    ~~pursuant to this subdivision.~~

18    ~~(d) A knowing violation of paragraph (1), (2), (3), (4), or (5) of~~  
19    ~~subdivision (c) is a misdemeanor. A knowing violation of~~  
20    ~~paragraph (1), (2), (3), (4), or (5) of subdivision (c) in furtherance~~  
21    ~~of another crime is subject to the same penalties as that other crime.~~